

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DANIEL BLACK,

Plaintiff,

v.

Civil Action No. 2:17-cv-00156

DAVID A. CLARKE, JR., et al.

Defendants.

DECLARATION OF ANTHONY J. ANZELMO

Anthony J. Anzelmo declares, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the following is true and correct:

1. I am an attorney with the law firm Husch Blackwell LLP, attorneys for defendants, Milwaukee County and David A. Clarke, Jr. (“Defendants”) in the above-captioned matter. I make this declaration based upon my own personal knowledge of the facts attested to herein.

2. Attached hereto and marked as **Exhibit A** is a true and correct copy of Defendants’ Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to American Airlines, Inc., dated April 19, 2017 (the “April 19, 2017 Subpoena”).

3. Attached hereto and marked as **Exhibit B** is a true and correct copy of American Airlines, Inc.’s Objections to Defendants’ Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, dated May 5, 2017.

4. In further response to the April 19, 2017 Subpoena, American Airlines eventually produced several documents, but no sound recordings or documents related to sound recordings.

5. Attached hereto and marked as **Exhibit C** is a true and correct copy of the transcript of the deposition of Matthew Remter, taken on May 18, 2017.

6. Attached hereto and marked as **Exhibit D** is a true and correct copy of Defendants' Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to American Airlines, Inc., dated August 1, 2017 (the "August 1, 2017 Subpoena").

7. American Airlines has not formally responded to the August 1, 2017 Subpoena.

8. Attached hereto and marked as **Exhibit E** is a true and correct copy of the transcript of the deposition of Glenn Fell, taken on September 18, 2017.

9. Attached hereto and marked as **Exhibit F** is a true and correct copy of the meet and confer letter I sent to counsel for American Airlines on October 2, 2017.

10. Attached hereto and marked as **Exhibit G** is a true and correct copy of email correspondence between Attorney Terry Johnson and me dated October 2 through October 18, 2017, relating to this subject.

11. I conferred in good faith with counsel for American Airlines to reach an accord on the Defendants' request. This began with a letter dated October 2, 2017, outlining the above. Various email and phone conversations ensued in an attempt to meaningfully resolve this discovery dispute, including notice that the present motion would be filed at the present time if Defendants did not receive the requested sound recordings or verification that American Airlines conducted a search for the sound recordings and they do not exist. American Airlines' counsel has produced nothing to Defendants to date.

Dated this 31st day of October, 2017.

s/ Anthony J. Anzelmo

Anthony J. Anzelmo